

All communications should be
addressed to :

THE DEPUTY COMMONWEALTH STATISTICIAN,
BOX 1433J, G.P.O., ADELAIDE
TELEPHONE: 83 6911



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COMMONWEALTH BUREAU OF
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COMMONWEALTH BUREAU OF CENSUS AND STATISTICS

SIXTH FLOOR,
PRUDENTIAL BUILDING,
195 NORTH TERRACE,
ADELAIDE

DIVORCE

SOUTH AUSTRALIA

1962

This bulletin gives particulars of petitions filed and orders granted for dissolution of marriage, judicial separation, and nullity of marriage, during the year 1962 with comparable data for previous years where available.

In 1959 the Commonwealth Parliament passed the Matrimonial Causes Act, 1959, which came into operation on 1st February 1961. This Act established uniform grounds throughout the whole of the Commonwealth for the termination of marriage and superseded the matrimonial cause laws for the States and Territories except in so far as the transitional provisions of the Act keep them in force for the purpose of completing pending proceedings. The main changes in South Australia were as follows:-

- (i) The period of desertion constituting a ground for dissolution of marriage was reduced from three years to two years.
- (ii) A petition on the ground of separation for five years does not now require a Court order for judicial separation as a pre-requisite.
- (iii) The period of the decree nisi for dissolution or annulment of marriage was reduced from six months to three months.

The immediate effect was to increase both the number of petitions filed and orders absolute for dissolution in 1961.

There were 910 petitions filed in 1962 for dissolution of marriage compared with 865 in 1961 and 781 in 1960.

Although the number of orders for decree nisi for dissolution of marriage increased from 586 in 1961 to 781 in 1962 the number of orders absolute granted for dissolution, after increasing from 610 in 1960 to 679 in 1961, decreased slightly to 660. The majority of orders absolute for dissolution of marriage (358 or 54.2 per cent) were granted on the petition of wives.

In 1961 only 74 of the 679 decrees absolute granted for dissolution were for petitions filed under the new legislation; but in 1962 decrees absolute for dissolution granted on petitions filed under the new legislation numbered 462 in a total of 660. This fact should be taken into consideration when comparing figures for recent years in Tables 3 and 4.

Information relating to grounds on which petitions were filed (Table 2) was not tabulated prior to 1961. However, some effects of the new legislation on the relative proportions of grounds stated in petitions can be seen in Table 3; on the one hand the number of dissolutions granted on the ground of desertion increased in each of the last two years (the figure for 1962 being the highest since 1951) and the number of dissolutions for separation, a quite uncommon ground in 1960 and earlier years, increased from 22 in 1961 to 122 in 1962; on the other hand the number of dissolutions granted on the ground of adultery (and adultery with other grounds) decreased from 274 in 1960 to 231 in 1961 and then to 169 in 1962, the lowest figure for 20 years.

TABLE 1 - PETITIONS FILED AND ORDERS GRANTED, SOUTH AUSTRALIA, 1955 TO 1962

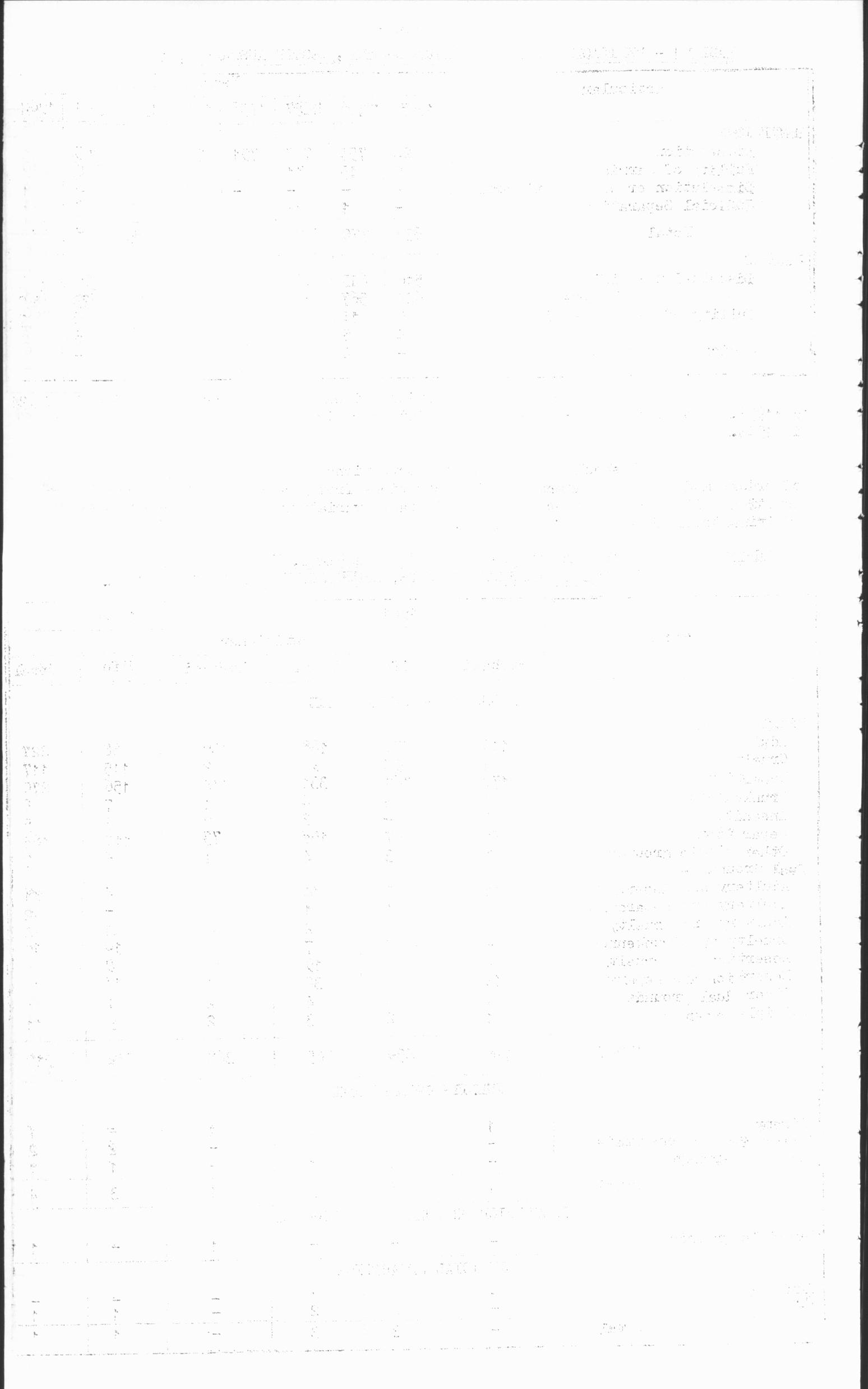
Particulars	Years							
	1955	1956	1957	1958	1959	1960	1961	1962
PETITIONS								
Dissolution	824	754	767	791	789	781	865	910
Nullity of Marriage	9	15	11	5	6	8	9	4
Dissolution or Nullity of Marriage	-	-	-	-	-	-	-	1
Judicial Separation	-	1	-	-	1	-	3	1
Total	833	770	778	796	796	789	877	916
ORDERS								
Dissolution - Nisi	516	613	482	537	470	698	586	781
Absolute	624	567	529	483	503	610	679	660
Nullity of Marriage - Nisi	6	14	5	10	5	11	8	7
Absolute	4	5	8	9	7	9	6	6
Judicial Separation	-	2	1	5	-	-	-	-

The annual number of petitions filed reached a record high level of 924 in 1953. The annual number of orders absolute for dissolution reached a peak of 695 in 1943.

It should be noted that fluctuations from year to year in the number of orders made may be independent of fluctuations from year to year in the number of petitions filed, because there is a considerable variation in the number of actions awaiting trial at the end of each year.

TABLE 2 - PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE, AND JUDICIAL SEPARATION: GROUNDS, SOUTH AUSTRALIA, 1961 and 1962.

Grounds	1961			1962		
	Petitioner					
	Husband	Wife	Total	Husband	Wife	Total
DISSOLUTION OF MARRIAGE						
Single Grounds -						
Adultery	110	78	188	139	88	227
Cruelty	4	94	98	2	115	117
Desertion	170	161	331	114	156	270
Drunkenness	1	3	4	1	7	8
Insanity	2	-	2	2	3	5
Separation	91	67	158	75	110	185
Other single grounds	1	3	4	1	6	7
Dual Grounds -						
Adultery and desertion	11	3	14	7	4	11
Adultery and separation	-	1	1	2	-	2
Adultery and cruelty	-	2	2	-	4	4
Cruelty and drunkenness	-	7	7	-	10	10
Desertion and cruelty	2	17	19	-	9	9
Desertion and separation	12	18	30	21	17	38
Other dual grounds	1	3	4	2	4	6
Multiple grounds	1	2	3	2	9	11
Total	406	459	865	368	542	910
NULLITY OF MARRIAGE						
Bigamy	1	4	5	1	-	1
Incapacity to Consummate	-	3	3	-	2	2
Invalid Marriage	-	1	1	-	1	1
Total	1	8	9	1	3	4
DISSOLUTION OR NULLITY OF MARRIAGE						
Multiple grounds	-	-	-	1	-	1
JUDICIAL SEPARATION						
Adultery	-	1	1	-	-	-
Cruelty	-	2	2	-	1	1
Total	-	3	3	-	1	1



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TABLE 3 - DISSOLUTION AND ANNULMENT OF MARRIAGE - ORDERS ABSOLUTE: GROUNDS,
SOUTH AUSTRALIA, 1955 TO 1962

Grounds	Year							
	1955	1956	1957	1958	1959	1960	1961	1962
DISSOLUTION								
Adultery							(221	166
Adultery and Desertion	238	208	190	203	175	274	8	-
Adultery and Separation							2	-
Adultery and Cruelty							-	3
Cruelty	113	103	111	82	90	103	{ 133	58
Cruelty and Drunkenness							1	1
Desertion							{ 275	295
Desertion and Cruelty	244	227	206	184	218	215	1	4
Desertion and Separation							1	1
Drunkenness	9	11	9	4	4	9	6	3
Failure to pay Maintenance	6	3	2	1	3	4	3	1
Insanity	4	-	3	1	5	3	3	4
Separation (a)	7	12	3	6	6	2	20	122
Other Single Grounds	3	3	5	2	2	-	2	2
Multiple Grounds	-	-	-	-	-	-	3	-
Total	624	567	529	483	503	610	679	660
NULLITY								
Bigamy	2	2	2	2	-	1	2	3
Incapacity to Consummate (b)	1	1	5	6	7	4	2	2
Invalid Marriage	1	2	1	1	-	4	2	1
Total	4	5	8	9	7	9	6	6

NOTE: Prior to 1961 if more than one ground was stated one of the grounds was selected for classification as indicated above, e.g. "adultery and desertion" was classified as "adultery".

- (a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.
- (b) Figures prior to 1961 combine "impotence" and "non-consummation" and the latter term covered "refusal to consummate", which under Commonwealth legislation is now a ground for dissolution of marriage.

In the immediate post-war period adultery was the main ground for dissolution of marriage; of the 1,953 orders absolute for dissolution granted in the three years 1945 to 1947 there were 1,197 for adultery compared with only 585 for desertion and 101 for habitual cruelty. Subsequently dissolutions on the ground of adultery have become much less frequent and since 1949 have exceeded those for desertion in only 1958 and 1960.

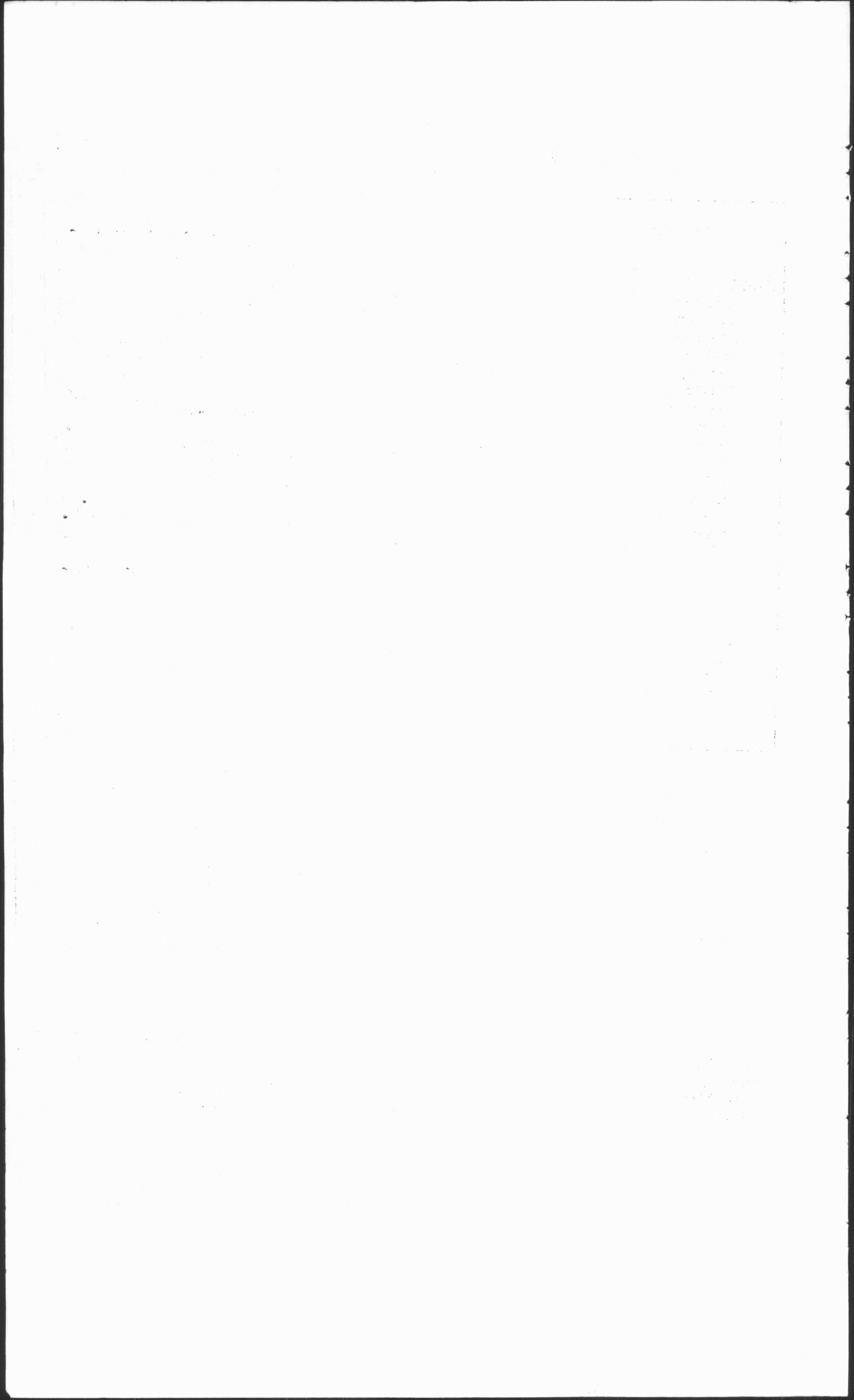


TABLE 4 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: SEX OF PETITIONER AND GROUNDS,
SOUTH AUSTRALIA, 1955 TO 1962

Grounds	Year							
	1955	1956	1957	1958	1959	1960	1961	1962
ON PETITION OF HUSBAND								
Adultery							{ 114	(b) 103
Adultery and Desertion	138	140	121	126	108	172	{ 5	-
Adultery and Separation							-	-
Adultery and Cruelty							-	1
Cruelty							{ 4	1
Cruelty and Drunkenness	7	5	6	5	-	4	-	-
Desertion							{ 149	138
Desertion and Cruelty	113	115	101	87	106	107	-	-
Desertion and Separation							-	-
Drunkenness	-	1	-	-	1	-	1	-
Failure to pay Maintenance	-	-	-	-	-	-	-	-
Insanity	-	-	2	-	3	1	2	3
Separation (a)	2	2	2	1	2	-	13	55
Other Single Grounds	3	1	1	1	-	-	-	-
Multiple Grounds	-	-	-	-	-	-	(b)	-
Total	267	264	233	220	220	284	(b) 288	(b) 301
ON PETITION OF WIFE								
Adultery							{ 107	(b) 62
Adultery and Desertion	100	68	69	77	67	102	{ 3	-
Adultery and Separation							2	-
Adultery and Cruelty							-	2
Cruelty							{ 129	57
Cruelty and Drunkenness	106	98	105	77	90	99	{ 1	1
Desertion							{ 126	157
Desertion and Cruelty	131	112	105	97	112	108	{ 1	4
Desertion and Separation							{ 1	1
Drunkenness	9	10	9	4	3	9	5	3
Failure to pay Maintenance	6	3	2	1	3	4	3	1
Insanity	-	-	1	1	2	2	1	1
Separation (a)	5	10	1	5	4	2	7	67
Other Single Grounds	-	2	4	1	2	-	2	2
Multiple Grounds	-	-	-	-	-	-	(b)	-
Total	357	303	296	263	283	326	(b) 390	(b) 358

(a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.

(b) Excludes a dissolution granted to both husband and wife.

In all but a few years (26 in the last 30) more orders absolute for dissolution have been granted on the petitions of wives than on the petitions of husbands.

In 1962, 98.3 per cent of orders absolute for dissolution on petitions of husbands, but only 79.9 per cent on petitions of wives, were granted on three grounds (adultery, desertion, and separation). Habitual cruelty (15.9 per cent) accounted for most of the other orders absolute for dissolution granted to wives.

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TABLE 5 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT MARRIAGE,
SOUTH AUSTRALIA, 1960 TO 1962

Age of Husband	1962									1961 Total	1960 Total		
	Age of Wife												
	Under 20	20-24	25-29	30-34	35-39	40-44	45 & Over	Not Stated	Total				
Under 20	31	7	-	-	-	-	-	-	38	47	26		
20-24	113	133	22	1	1	-	-	-	270	306	268		
25-29	37	96	42	9	4	-	1	1	190	188	169		
30-34	4	24	15	21	3	1	-	-	68	59	65		
35-39	1	11	8	12	6	6	-	-	44	33	28		
40-44	-	3	5	3	2	5	3	-	21	18	19		
45 and over	-	-	-	2	1	3	10	-	16	18	23		
Not Stated	-	-	-	-	-	-	-	13	13	10	12		
Total 1962	186	274	92	48	17	15	14	14	660				
1961	197	289	97	40	21	12	12	11		679			
1960	166	277	78	40	12	10	15	12			610		

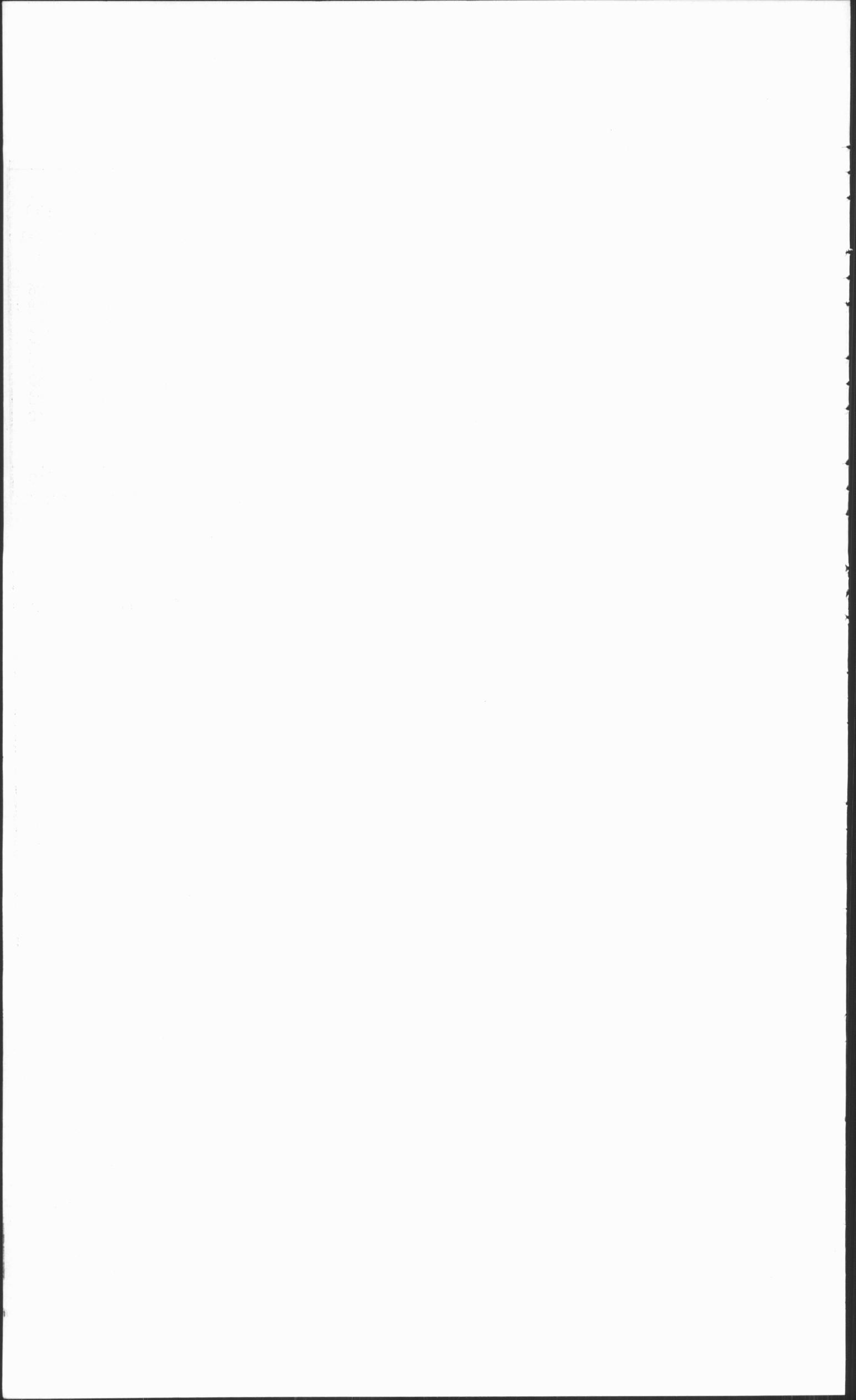
TABLE 6 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: DURATION OF MARRIAGE AND NUMBER OF CHILDREN (a), SOUTH AUSTRALIA, 1959 TO 1962

Duration of Marriage	1962								1961 Total	1960 Total	1959 Total			
	Number of Children (a)													
	0	1	2	3	4	5	6 & Over	Total						
0- 4	30	8	3	1	-	1	-	43	49	57	42			
5- 9	63	58	30	6	4	1	-	162	206	180	180			
10-14	45	52	39	20	14	-	-	170	156	174	118			
15-19	21	31	26	25	13	6	1	123	111	86	82			
20-24	16	21	21	6	5	2	3	74	84	64	40			
25-29	22	10	10	1	3	-	-	46	24	32	19			
30-34	14	6	1	-	-	-	-	21	28	10	16			
35-39	6	-	1	-	-	-	-	7	16	4	5			
40-44	4	-	-	-	-	-	-	4	3	2	-			
45 and over	10	-	-	-	-	-	-	10	2	1	1			
Total 1962	231	186	131	59	39	10	4	660						
1961	275	158	134	61	31	13	7		679					
1960	232	152	131	60	18	11	6			610				
1959	193	126	110	54	15	2	3				503			

(a) At time of petition. Under State legislation information obtained on "children" covered only living "issue" under 16 years; the Commonwealth Act provides for living "children of the marriage" under 21 years to be shown. As the numbers of orders absolute for dissolution in 1961 and 1962 combine those granted under both the old and the new legislation (see page 1 for proportions) the information on children for these years is not strictly comparable with that for previous years.

During the eleven years to the end of 1960 there was an increase in the proportion of orders absolute for dissolution which involved 2 or more living issue under the age of 16 years. In 1949 these amounted to only 19.5 per cent of all orders absolute for dissolution, but in 1960 the corresponding percentage was 37.0 per cent. Since then comparability has been affected by the inclusion of children aged 16 years and over.

The percentage of orders absolute for dissolution of marriages with a duration of 20 years or more increased progressively from 15.3 in 1958 to 24.5 in 1962.



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TABLE 7 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT TIME OF DIVORCE,
SOUTH AUSTRALIA, 1959 TO 1962

Age of Husband	1962								1961	1960	1959
	Age of Wife							Total			
	Under 25	25-29	30-34	35-39	40-44	45 & Over	Not Stated	Total	1961 Total	1960 Total	1959 Total
Under 25	6	2	-	-	-	-	-	8	15	12	8
25-29	29	38	3	-	-	-	-	70	68	82	75
30-34	10	36	42	10	-	-	-	98	147	108	108
35-39	2	13	54	52	14	4	1	140	122	125	102
40-44	-	3	15	41	33	8	-	100	110	92	69
45 and over	-	3	9	18	38	163	-	231	207	179	137
Not Stated	-	-	-	-	-	-	13	13	10	12	4
Total 1962	47	95	123	121	85	175	14	660			
1961	56	108	143	117	86	158	11		679		
1960	58	98	129	119	78	116	12			610	
1959	39	97	113	91	66	93	4				503

The proportion of those aged 45 or more at the time of dissolution of marriage increased between the years 1958 and 1962 - the proportion of husbands from 22.4 to 35.0 per cent and the proportion of wives from 15.1 to 26.5 per cent. This trend, as would be expected, runs parallel to the increase in dissolved marriages with a duration of 20 years or more shown in Table 6.

NOTE: When analysing the figures shown in the above tables it should be remembered that there are more existing marriages of short duration than long. Therefore the 16 divorces in Table 6 in the 30 to 34 years duration group in 1959 may be a greater proportion of existing marriages of that duration than the 19 in the 25 to 29 years duration group.

D.L.J. AITCHISON

DEPUTY COMMONWEALTH STATISTICIAN

Commonwealth Bureau of Census & Statistics,
ADELAIDE, S.A.

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